

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
3 Chief, Criminal Division

4 ROBERT S. LEACH (CABN 196191)
Assistant United States Attorney

5 1301 Clay Street, Suite 340S
6 Oakland, California 94612
7 Telephone: (510) 637-3680
8 Fax: (510) 637-3724
Email: Robert.Leach@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) Case No. CR 18-577 CRB
14 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
15 v.)
16 STEPHEN KEITH CHAMBERLAIN,)
17 Defendant.)
18 _____)

19 **STIPULATION**

20 WHEREAS, on November 29, 2018, the Grand Jury returned an Indictment against Stephen
21 Keith Chamberlain, a resident of the United Kingdom;

22 WHEREAS, on February 4, 2019, defendant Chamberlain (“the defendant”) appeared before the
23 Court (with counsel specially appearing), was arraigned on the Indictment, and pleaded not guilty to all
24 counts;

25 WHEREAS, on March 21, 2019, the Grand Jury returned a Superseding Indictment against
26 Chamberlain [ECF No. 21];

27 WHEREAS, on April 2, 2019, the Court conducted a status conference in this matter, during
28 which the defendant was arraigned on the Superseding Indictment, the defendant pleaded not guilty to

STIPULATION AND [PROPOSED] ORDER
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1 all counts, the Court in camera addressed issues regarding representation of counsel with the defendant,
2 and the Court continued the matter to July 10, 2019, at 1:30 p.m., and ultimately to July 18, 2019 [ECF
3 Nos. 23, 31, 32, 34, 35];

4 WHEREAS, on July 17, 2019, the Court, upon the stipulation of the parties, issued an order
5 continuing the July 18, 2019 status conference to September 25, 2019 and found that failing to exclude
6 the time from July 17, 2019, to September 25, 2019, would unreasonably deny the defendant continuity
7 of counsel and defense counsel and the defendant the reasonable time necessary for effective
8 preparation, taking into account the exercise of due diligence and the complexity of the case and that the
9 ends of justice served by excluding the time from July 17, 2019, to September 25, 2019, from
10 computation under the Speedy Trial Act outweighed the best interests of the public and the defendant in
11 a speedy trial;

12 WHEREAS, on September 3, 2019, the defendant filed an Ex Parte Application to Clarify
13 Conditions of Bond for hearing on September 25, 2019, and the government filed an opposition on
14 September 20, 2019;

15 WHEREAS, on September 16, 2019, the Court continued the September 25, 2019 status
16 conference and hearing on the ex parte application to October 3, 2019;

17 WHEREAS, counsel for the government and counsel for the defendant are both unavailable on
18 October 3, 2019;

19 WHEREAS, the parties have conferred and respectfully request that the Court continue the
20 October 3, 2019 status conference and hearing, to November 13, 2019, at 1:30 p.m.;

21 WHEREAS, the parties stipulate and agree that an exclusion of time under the Speedy Trial Act
22 from September 25, 2019, to November 13, 2019, is appropriate due to the complexity of the case, the
23 need for continuity of counsel, the need for defense counsel to review relevant evidence, consult with
24 the defendant in the United States, and effectively prepare, and the pendency of the defendant's ex parte
25 application;

26 THEREFORE, the parties stipulate and agree, and respectfully request that the Court order, that
27 the status conference and hearing currently scheduled for October 3, 2019, be continued to November
28 13, 2019, at 1:30 p.m. The parties stipulate and agree that excluding time from September 25, 2019, to

November 13, 2019, will allow for the continuity of counsel and the effective preparation of counsel given the complexity of the case. *See* 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv). The parties further stipulate and agree that the ends of justice served by excluding the time from September 25, 2019, to November 13, 2019, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv). The parties further stipulate and agree that time is appropriately excluded based on 18 U.S.C. § 3161(h)(1)(D) based on the filing of the September 3, 2019 ex parte application. The parties stipulate and agree the Court shall enter the proposed order below.

IT IS SO STIPULATED.

DATED: September 18, 2019

DAVID L. ANDERSON
United States Attorney

/s/

ROBERT S. LEACH
Assistant United States Attorney

DATED: September 18, 2019

BIRD, MARELLA, BOXER, WOLPERT,
NESSIM, DROOKS, LINCENBERG, & RHOW,
P.C.

/s/

ARIEL A. NEWMAN
Attorneys for Defendant Stephen Chamberlain

[PROPOSED] ORDER

Based upon the facts set forth in the stipulation of the parties and the representations made to the Court, and for good cause shown, the status conference currently scheduled for October 3, 2019, shall be continued to November 13, 2019, at 1:30 p.m. The Court finds that failing to exclude the time from September 25, 2019, through November 13, 2019, would unreasonably deny the defendant continuity of counsel and defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the complexity of the case. 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv). The Court further finds that the ends of justice served by excluding the time

1 from September 25, 2019, through November 13, 2019, from computation under the Speedy Trial Act
2 outweigh the best interests of the public and the defendant in a speedy trial. The Court further finds that
3 time is appropriately excluded based on 18 U.S.C. § 3161(h)(1)(D) based on the filing of the September
4 3, 2019 ex parte application. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED
5 that the time from September 25, 2019, through November 13, 2019, shall be excluded from
6 computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv). The defendant's
7 personal appearance at the November 13, 2019 hearing is waived.

8 IT IS SO ORDERED.

9 DATED:

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11 THE HONORABLE CHARLES R. BREYER
12 United States District Judge
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